HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE C.V. NAGARJUNA REDDY

WRIT APPEAL NO. 1232 OF 2006

Between:

Kolla Nageswara Rao

..... Appellant

AND

The Commissioner for Prohibition & Excise,
Government of Andhra Pradesh,
Hyderabad & others

.....Respondents

:: J U D G M E N T ::

Counsel for the appellant : Shri O. Manohar Reddy

Counsel for respondent Nos.1 to 3 : Government Pleader for Prohibition & Excise

Counsel for respondent No.4 : Shri S. Niranjan Reddy

Dated: 27.11.2006

Per G.S.SINGHVI, CJ

This appeal is directed against order dated 27.10.2006 passed by the learned Single Judge in Writ Petition No. 17736 of 2006 whereby she rejected the appellant's challenge to order dated 21.08.2006 passed by Commissioner of Prohibition and Excise, Andhra Pradesh for shifting of the liquor shop of respondent No.4 from Ward No.21 to Ward No.11 of Bheemavaram Municipality.

After arguing the case for some time, Shri O. Manohar Reddy, learned counsel for the appellant made a request that his client may be permitted to withdraw this appeal along with Writ Petition No.17736 of 2006 with liberty to challenge the vires of Rule 29(3) of the Andhra Pradesh Excise (Lease of Right of Selling by Shop and Conditions of Licence) Rules, 2005 (for short 'the 2005 Rules'), as amended on 26.05.2006.

Learned Government Pleader for Prohibition and Excise and learned counsel representing respondent No.4 say that they do not have any objection.

In view of the above, this appeal and Writ Petition No.17736 of 2006 are dismissed as withdrawn with liberty to the appellant to file a fresh petition on the same cause and also challenge the vires of Rule 29(3) of the 2005 Rules, as amended on 26.05.2006.

As a sequel to dismissal of the writ appeal, W.A.M.P.No.2555 of 2006 filed by the appellant for interim relief is

also dismissed.

G.S.SINGHVI, CJ

C.V. NAGARJUNA REDDY, J

ksld
27.11.2006